

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

VALENTIN KOMAROVSKIY,

Plaintiff,

-against-

CELSIUS NETWORK LLC,
ALEXANDER MASHINSKY, and
SHLOMI “DANIEL” LEON,

Defendants.

Case No. 4:23-cv-40067-MRG

MOTION TO WITHDRAW AS COUNSEL FOR ALEXANDER MASHINSKY

NOW COME Yankwitt LLP (“YLLP”) and the undersigned counsel, attorneys for defendant Alexander Mashinsky (“Mashinsky”), and respectfully submit this motion to withdraw as counsel pursuant to L.R. 83.5.2(c)(2), stating as follows:

1. YLLP represents Mashinsky in this matter, along with co-counsel Stephen D. Riden of Beck Reed Riden LLP (“BRR LLP”).
2. Mashinsky substantially failed to fulfill his obligations to YLLP for its services under the retention agreement between Mashinsky and YLLP, and YLLP has provided reasonable warning that it must withdraw unless those obligations are fulfilled. *See* Massachusetts Rules of Professional Conduct, Rule 1.16(b)(5).
3. Continued representation will result in an unreasonable financial burden on YLLP. *See* Massachusetts Rules of Professional Conduct, Rule 1.16(b)(6).
4. Mashinsky desires to terminate YLLP’s representation.
5. Moreover, withdrawal can be accomplished without material adverse effect on the interests of Mashinsky. *See* Massachusetts Rules of Professional Conduct, Rule 1.16(b)(1).

Mashinsky will continue to be represented by Mr. Riden of BRR LLP. Indeed, given that Mashinsky will continue to be represented by counsel, withdrawal could have been effectuated on notice under LR 83.5.2(c)(1) were it not for the pendency of Mashinsky's motion to dismiss. *See* LR 83.5.2(c)(1)(a).

6. Accordingly, good cause exists for the withdrawal.

7. Contemporaneously herewith, counsel is serving a copy of this motion on Mr. Mashinsky.

WHEREFORE, YLLP and the undersigned counsel respectfully request that this Court:

- A. Grant this Motion to Withdraw and allow Yankwitt LLP and the undersigned counsel to withdraw as counsel for Mashinsky; and
- B. Grant such other and further relief as this Court deems just.

Dated: January 2, 2024
White Plains, New York

YANKWITT LLP

By: _____

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Mashinsky*

CERTIFICATION OF GOOD FAITH ATTEMPT TO REACH CONCURRENCE

Pursuant to L.R. 7.1, the undersigned hereby certifies that Yankwitt LLP sought the concurrence of plaintiff to the requested relief by emails to plaintiff's counsel on December 29, 2023 and January 2, 2024. Plaintiff's counsel has not responded to Yankwitt LLP's inquiries.

Dated: January 2, 2024
White Plains, New York

YANKWITT LLP

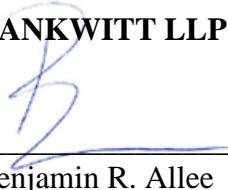
By: 
Benjamin R. Allee

CERTIFICATE OF SERVICE

I hereby certify that on January 2, 2024, a true copy of the above document was filed with the clerk of court using the CM/ECF system and will be sent electronically to the registered participants as identified on the Notice of Filing (NEF) and paper copies will be sent to those indicated as non-registered participants. I further certify that Yankwitt LLP caused a true copy of the above document to be served on Mr. Mashinsky via first class mail and electronic mail.

Dated: January 2, 2024
White Plains, New York

YANKWITT LLP

By: 
Benjamin R. Allee